

Application Serial No. 10/567,618  
Amendment dated April 12, 2010  
Response to Pre-Appeal Conference Review dated March 15, 2010 and  
the Advisory Office Action of October 9, 2009

## **REMARKS**

Provided herewith is a request for continued examination (RCE) and the fee for the RCE.

As may be appreciated from the above listing of claims, the claims presented herein have been amended. The amended claims are supported by at least Figures 1-5, and other portions of the specification. For example, paragraphs 19-22 support the amendments to the claims made herein.

No additional fees are believed to be necessary. To the extent additional fees are necessary, authorization is provided herewith to pay such additional fees via Deposit Account No. 02-4800.

### **I. AMENDMENT TO THE DRAWINGS AND SPECIFICATION**

No new matter was added by the amendments to the specification or the drawing.

In the Advisory Action of October 9, 2009, the Examiner issued an objection to the drawings for not illustrating a tool. An amended Figure, new Figure 6 is provided herewith to illustrate such a tool. The specification also supports such an amended Figure. For instance, at paragraph 19, the specification recited the term "screw driver" which is one type of mechanical tool. Figure 6 illustrates an example of such a screw driver.

The specification was also amended as may be appreciated from the above listed amendments to the specification. The amendments to the specification add references to the new Figure 6.

The amended specification and drawings overcome any basis the Examiner may have for objecting to the pending claims.

Application Serial No. 10/567,618  
Amendment dated April 12, 2010  
Response to Pre-Appeal Conference Review dated March 15, 2010 and  
the Advisory Office Action of October 9, 2009

## **II. RESPONSE TO REJECTIONS OF THE PENDING CLAIMS**

The Examiner rejected claims 13-19, 21-23, 26-29 and 32 under 35 U.S.C. § 102 as being anticipated by U.S. Patent No. 6,688,919 to Sumer et al. (Office Action of July 7, 2009, at 3).

The Examiner rejected claim 20 under 35 U.S.C. § 103 as being rendered obvious by Sumer et al. in view of U.S. Patent No. 6,078,661 to Arnett. (Office Action of July 7, 2009, at 7).

Claims 24-25 were rejected as obvious by Sumer et al. in view of U.S. Patent Application Publication No. 2002/0050771 to Krispin et al. (Office Action of July 7, 2009 at 7).

Claims 30-31 were rejected as obvious in view of Sumer et al. and U.S. Patent No. 4,749,359 to White. (Office Action of July 7, 2009, at 8).

### **A. Burden of Proving Anticipation Under 35 U.S.C. § 102**

"In order to demonstrate anticipation, the proponent must show that the four corners of a single, prior art document describe every element of the claimed invention." *Net Moneyin, Inc. v. Verisign, Inc.*, 545 F.3d 1359, 88 U.S.P.Q.2d 1751, 1758, 2008 WL 4614511, \*8 (Fed. Cir. 2008). The prior art reference relied upon to show anticipation "must not only disclose all elements of the claim within the four corners of the document, but also disclose those elements arranged as in the claim." *Id.* "As arranged in the claim means that a reference that discloses all of the claimed ingredients, but not in the order claimed, would not anticipate because the reference would be missing any disclosure of the limitations of the claimed invention arranged as in the claim." *Id.* "The test is thus more accurately understood to mean arranged or combined in the same way as in the claim." *Id.*

Application Serial No. 10/567,618  
Amendment dated April 12, 2010  
Response to Pre-Appeal Conference Review dated March 15, 2010 and  
the Advisory Office Action of October 9, 2009

**B. Burden Of Proving Obviousness Under 35 U.S.C. § 103**

**"All words in a claim must be considered in judging the patentability of that claim against the prior art."** MPEP § 2143.03 (emphasis added). "When evaluating claims for obviousness under 35 U.S.C. 103, **all the limitations of the claims must be considered and given weight.**" MPEP 2143.03. "If an independent claim is nonobvious under 35 U.S.C. 103, then any claim depending therefrom is nonobvious." *Id.* "A 35 U.S.C. 103 rejection is based on 35 U.S.C. 102(a), 102(b), 102(e), etc. depending on the type of prior art reference used and its publication or issue date." MPEP § 2141.01.

To establish a *prima facie* case of obviousness an Examiner must show that an invention would have been obvious to a person of ordinary skill in the art at the time of the invention. MPEP § 2141. "Obviousness is a question of law based on underlying factual inquiries." *Id.* The factual inquiries enunciated by the Court include "ascertaining the differences between the claimed invention and the prior art" and "resolving the level of ordinary skill in the pertinent art." MPEP § 2141.

"A statement that modifications of the prior art to meet the claimed invention would have been 'well within the ordinary skill of the art at the time the claimed invention was made' because the references relied upon teach that all aspects of the claimed invention were individually known in the art is not sufficient to establish a *prima facie* case of obviousness without some objective reason to combine the teachings of the references. MPEP § 2143.01. "[R]ejections on obviousness cannot be sustained by mere conclusory statements; instead, **there must be some articulated reasoning with some rational underpinning to support the legal conclusion of**

Application Serial No. 10/567,618  
Amendment dated April 12, 2010  
Response to Pre-Appeal Conference Review dated March 15, 2010 and  
the Advisory Office Action of October 9, 2009

**obviousness.**" MPEP § 2143.01 (citing *KSR*, 550 U.S. at 14, 82 USPQ2d at 1396) (emphasis added).

Moreover, "[i]f the proposed modification or combination of the prior art would change the principle of operation of the prior art invention being modified, then the teachings of the references are not sufficient to render the claims *prima facie* obvious." MPEP § 2143.01. Also, "the proposed modification cannot render the prior art unsatisfactory for its intended purpose." MPEP § 2143.01.

### **C. Claims 13-32 Are Allowable Over The Cited Art**

#### **1. Claims 13-19, 21-23, 26-29 And 32 Are Not Anticipated By Sumer et al.**

Claim 13 requires a housing to include a connection area configured to be at least partially accessible from outside of the housing and a housing cover that includes a first hood and a cover portion. The first hood has one or more apertures and at least one attachment mechanism. The cover portion has at least one clip connection mechanism sized and configured to releasably retain the at least one attachment mechanism of the first hood. The housing also includes a base housing part and a printed circuit board arranged between the base housing part and the cover portion. The printed circuit board has an extension area, comprised of at least one first plug-in device for a first extension printed circuit board. The cover portion is configured to releasably attach to the base housing part and is configured to clamp at least a portion of the printed circuit board against the base housing part when the cover portion is attached to the base housing part. The first hood is only releasable from the cover portion after the at least one attachment mechanism and at least one clip connection mechanism are interlocked by use of a

tool. Claims 14-32 depend directly or indirectly from claim 13 and therefore also contain the limitations of claim 13.

**a. Sumer et al. Do Not Teach Or Suggest Plug-in Devices**

The Examiner reads Sumer et al. as disclosing plug-in devices at elements 147, 149 and 151. However, as Sumer et al. make clear, these elements are plugs, not plug-in devices. Plugs are not plug-in devices. Plug-in devices are devices configured to receive extension boards. This is made clear by the explicit text of claim 13, which requires at least one first plug-in device to be "sized and configured to connect to a first extension printed circuit board." This is also clear from the specification, which teaches that "Extension circuit boards are plugged into the plug-in devices 23."

The plugs 147, 149 and 151 are not for receiving extension printed circuit boards. Indeed, as taught by Sumer et al., circuit boards 146, 148 and 150 are all integral to each other. Specifically, the boards are part of an "integrated access device 145". (Col. 5, lines 1-5). Plugs 147, 149 and 151 of Sumer et al. are configured to connect to jacks 126 or terminal strip 118 via wires 131 (*See e.g.* Figure 2).

Sumer et al. do not teach or suggest any plug-in device for an extension circuit board. Indeed, as Sumer et al. teach, boards 146, 148 and 150 are all one device. There are no extension boards attached to board 146.

**b. Sumer et al. Do Not Teach Any Release Caused By Interlocking Via Use Of A Mechanical Tool**

The pending claims require the first hood to only be releasable from the cover portion after the at least one attachment mechanism and at least one clip connection mechanism are

Application Serial No. 10/567,618  
Amendment dated April 12, 2010  
Response to Pre-Appeal Conference Review dated March 15, 2010 and  
the Advisory Office Action of October 9, 2009

**interlocked by use of a mechanical tool.** The Examiner admitted in the Advisory Action that Sumer et al. do not disclose any mechanical tool nor such interlocking using a mechanical tool.

Indeed, Sumer et al. specifically teach that latch 104 "enables cover 102 to be opened without a tool." (Col. 3, lines 33-34). A mechanical tool is something other than a human body part. For example, the definition of tool is "a handheld device that aids in accomplishing a task." Merriam-Webster's Online Dictionary, *available at* <http://www.merriam-webster.com/dictionary/tool>. As is clear from the ordinary meaning of the term "tool" and Sumer et al., a human finger is not a mechanical tool and cannot read on the tool limitation recited in claim 13. In fact, Sumer et al. teach away from a first hood that is releasable from a cover portion after one or more attachment mechanisms and one or more clip connection mechanisms of those components are interlocked via use of a mechanical tool.

## **2. Claims 17 and 18 Are Not Anticipated By Sumer et al.**

Claims 17 and 18 depend from claim 13 and are therefore allowable because claim 13 is allowable. Moreover, claims 17 and 18 include additional limitations that are not taught by Sumer et al. Claims 17 and 18 require "the printed circuit board includes a second plug-in device that establishes an electrical connection with a second extension printed circuit board." Sumer et al. do not teach such a plug-in device.

The Examiner contends that plugs 149, 151 establish a connection with an extension board 150. To the contrary, circuit boards 146, 148 and 150 are all part of "an integrated access device (IAD) 145." (Col. 5, lines 1-4). The plugs 147, 149 and 151 are not for extension circuit boards. To the contrary, the plugs 147, 149 and 151 are for wires 131 to connect the boards to other elements, such as jacks 126. The plugs 147, 149 and 151 are not for any extension boards.

Application Serial No. 10/567,618  
Amendment dated April 12, 2010  
Response to Pre-Appeal Conference Review dated March 15, 2010 and  
the Advisory Office Action of October 9, 2009

**D. Claims 20, 24-25, And 30-31 Are Allowable**

Claims 20, 24-25 and 30-31 depend directly or indirectly from claim 13. These claims are allowable at least because claim 13 is allowable.

**E. The Claims Are Not Rendered Obvious In View Of The Cited Art**

The invention described in the present application has been found to contain allowable subject matter in other countries. For example, European Patent No. EP1652389 is related to the present application and was granted to Applicants. The Examiner was previously provided with a copy of EP1652389 with the Amendment dated April 17, 2009.

Further, it is clear that Sumer et al. alone or in combination with any of the other cited art do not teach or suggest all the limitations of the pending claims. In fact, the Examiner acknowledged that the cited art did not teach or suggest all of the limitations of the currently amended claims in the Advisory Action.

As acknowledged by the European Patent Office and the Examiner in the Advisory Action, the pending claims are patentable over the prior art.

Application Serial No. 10/567,618  
Amendment dated April 12, 2010  
Response to Pre-Appeal Conference Review dated March 15, 2010 and  
the Advisory Office Action of October 9, 2009

### III. CONCLUSION

To the extent the Examiner has made interpretations of the claims that are broader than Applicants would reasonably be expected to appreciate, the Examiner is encouraged to call the undersigned to conduct an interview to help expedite examination. For example, the amendments made herein could have easily been made earlier if the Examiner had simply articulated his interpretation of how the previously pending claim limitations supposedly read on the cited art as was done in the Advisory Action. Applicants would appreciate such an explanation and/or interview in such a case as it may help expedite prosecution.

For at least the above reasons, reconsideration and allowance of all pending claims are respectfully requested.

Respectfully submitted,  
/Ralph G. Fischer/

Dated: April 12, 2010

Ralph G. Fischer  
Registration No. 55,179  
BUCHANAN INGERSOLL & ROONEY PC  
One Oxford Centre  
301 Grant Street  
Pittsburgh, Pennsylvania 15219

(412) 392-2121

Attorney for Applicant